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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,780	06/23/2006	Shinji Inoue	P30152	1404

52123 7590 05/27/2008
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EXAMINER	
VO, TRUONG V	
ART UNIT	PAPER NUMBER
2169	

NOTIFICATION DATE	DELIVERY MODE
05/27/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/596,780	INOUE ET AL.	
	Examiner	Art Unit	
	TRUONG V. VO	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to communications filed March 12, 2008.

Response to Arguments

2. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Status of Claims

3. Claims 1-25 are pending, of which claims 1 and 13 are in independent form. Claim 25 is objected to. Claims 1-25 are rejected under 35 U.S.C. 103(a).

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 25 discloses “A computer-readable medium…” but nowhere in the specification does it mentions "A computer-readable medium…”.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushima et al. (US 2002/0165825 A1) in view of Gotoh et al. (US 2003/0133368 A1).

7. (Currently Amended) **Regarding claim 1**, Matsushima teaches a data processing apparatus (license management apparatus 1) for reading from a recording medium (SD memory card 2) a content (content) which is stored in a specified recording area of the recording medium (SD memory card 2) and playing back the read content [0048]), the recording medium (SD memory card 2) storing according to a specified format contents and management information (management information) of the contents, the data processing apparatus (license management apparatus 1) (i.e., see FIG.1, [0041] and [0048]).

Matsushima teaches a content processor that reads management information from the recording medium, and reads the content according to the management information from the recording medium to process the read content (i.e., the apparatus 1 reads management information from the memory card 2, and reads the content according to the right management information form the memory card 2 to process the read content; [0041]).

Matsushima teaches a link information setting section (i.e., as shown in FIG. 13 there is a link between the track and title; [0105]).

Matsushima teaches a management information storing section that stores the management information which is read from the recording medium, using an identification number specific to the recording medium, so that the management information can be managed, (i.e., the migration procedure is retrieving the audio object from the recording medium, generating right management information about the audio object, and writing the audio object and the right management information in correspondence into the storage unit. The SD memory card 2 is a recording medium into which a unique identifier (hereinafter "media ID") for identifying the individual recording medium is written, and is composed of a protected area which can be accessed only by devices in the system which are accepted as being authentic (the license management apparatus 1, and the PD 3), and a user data area which can be accessed not only by authentic devices, but also by devices that are not authentic; [0009] and [0042]).

Matsushima teaches the link information setting section sets the link information for relating the recording area of the found content to the specified recording area so as to enable access to the content with the management information (i.e., as shown in FIG. 21 the structure of a directories and files in the local storage 21. As shown in FIG. 21, a user area which can be accessed even by a general application program and a secure area which can only be accessed by the LCM 23 and to which access is prohibited by other application program are provided in the local storage area 21. There is a package directory for storing SDMI protected content in the root directory of the user area. This package directory is a directory in which SDMI protected content is stored, and the five

packaged contents shown in FIG. 20 are stored here. Each of the five packages stores a set of SDMI protected content and RMI; [0131]).

However, Matsushima does not explicitly disclose a search section that, when the content processor reads a content, searches, for the content, out of a specified search range, which is defined according to the specified format as a range for storing contents to be reproduced, if the content to be read is managed by the management information but not present in the specified recording area.

Meanwhile, Gotoh teaches a computer to execute a procedure for recording an output file selected by a user in an information recording medium, a computer-readable recording medium in which the program is recorded, an information recording device for recording the output file selected by the user in the information recording medium, and an information recording method for executing such a recording; [0007]. This is similar to Matsushima teaching of a recording medium, a license management apparatus, and a recording and playback apparatus, and in particular an improvement in recording audio data which is obtained as a backup of packaged content recorded on a CD or a DVD-Audio; [0001].

Furthermore, Gotoh teaches a search section that, when the content processor reads a content, searches, for the content, out of a specified search range, which is defined according to the specified format as a range for storing contents to be reproduced, if the content to be read is managed by the management information but not present in the specified recording area (i.e., a computer to execute a procedure for creating an audio searching index for searching the audio contents provided by the

above audio format data, and a procedure for recording the audio searching index created in the procedure in the above information recording medium; [0026]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made, having the teachings of Matsushima and Gotoh before him/her, to modify an apparatus of Matsushima with the teaching of Gotoh to search for a specified format. The motivation to combine is apparent in Matsushima reference, because of a search procedure that specifies a plurality of AOBs which correspond to the same content ID; (see Matsushima, [0090]). This is a tremendously advantageous to Matsushima because of the audio searching index is used for searching the contents of the audio represented by the data of audio format; (see Gotoh, [0138]).

8. (Original) **Regarding claim 2**, Matsushima teaches the management information includes play list information for specifying playback sequence of contents, and track information including meta information relating to the contents (i.e., AOB and a corresponding piece of playback control information are written into the user data area 6. A title key entry (hereinafter "TKE") corresponding to each AOB is written into the protected area 7…a content ID which is an identifier for identifying the SDMI protected content which corresponds to the AOB…the corresponding TKE, and the playback control information is called a " track"; [0048]).

9. (Original) **Regarding claim 3**, Matsushima teaches a recording area in the recording medium (i.e., FIG. 9 shown the physical layer of the SD memory Card. The specified search range in the SD memory Card is the User Data Area).

10. (Original) **Regarding claim 4**, Matsushima teaches a recording area (User Data Area) of a recording medium (SD Memory Card) which is incorporated in the data processing apparatus (license management apparatus 1) (i.e., see FIG. 1 and FIG. 9).

11. (Original) **Regarding claim 5**, Matsushima teaches a recording area (User Data Area) of a device (SD Memory Card) which is connected to the data processing apparatus (license management apparatus 1) directly or through a network; (i.e., see FIG. 1 and FIG. 9).

12. (Original) **Regarding claim 6**, Matsushima teaches the recording medium (SD Memory Card 2) is a detachable recording medium (i.e., as shown in FIG. 1 SD memory card 2 is detachable).

13. (Original) **Regarding claim 7**, Matsushima teaches a data storing section (User Data Area) that stores contents which conform to a specified standard format, wherein the content processor (license management apparatus 1) reads the content from the recording medium (SD memory card 2) or the data storing section (User Data Area) according to the management information (right management information) to

process the read content, and when the content processor (license management apparatus 1) reads a content, the search section [0090] searches the recording medium (SD memory card 2) or the data storing section (User Data Area) for the content, if the content to be read is managed by the management information (right management information) but not present in the specified recording area (User Data Area) (i.e., see FIG. 1 and 9).

14. (Original) **Regarding claim 8**, Matsushima teaches the content is stored by priority in the recording medium (i.e., as shown in FIG. 20 the content is stored by priority in the SD memory card 2).

Matsushima teaches after free area of the recording medium (SD memory card 2) becomes less than a predetermined value, the content is stored in the data storing section (User Data Area), and the management information (right management information) for managing the content stored in the recording medium (SD memory card) and the data storing section (User Data Area) is stored in the recording medium (SD memory card) (i.e., when the free area of the SD card becomes less than a predetermined value the content will stored in the user data area; see FIG. 1, FIG. 9 and [0123]).

15. (Original) **Regarding claim 9**, Matsushima teaches the content processor (license management apparatus 1) reads the content with reference to the management information (right management information) stored in the management information

storing section (7) (i.e., the license management apparatus 1 is composed of local storage which can store a plurality of sets of SDMI protected content and right management information (hereinafter "RMI"), and an LCM, and performs check-in and check-out; see FIG. 1, FIG. 4 and [0041]).

Matsushima teaches link information setting section sets the link information on the management information storing section (21) (i.e., FIG. 4 clearly show a link information setting section sets the link information on the management information storing section).

16. (Original) **Regarding claim 10**, Matsushima teaches when the identification number (AOB SA1.KEY) specific to the recording medium (SD memory card) which is stored in the management information storing section (right management information) is different from an identification number (AOB 001.SA1) specific to a recording medium (SD memory card) to be loaded into the data processing apparatus (license management apparatus 1), the search section and link information setting section set the link information (i.e., see FIG. 1, FIG. 4 and FIG. 9).

17. (Original) **Regarding claim 11**, Matsushima teaches the recording medium has a copyright protection function (i.e., the recording medium have copyright protection function; [0044]).

18. (Original) **Regarding claim 12**, Matsushima teaches the management information manages content ID which is identification information uniquely assigned to each content, and the search section searches for a content to be played back using the content ID (i.e., the TKE includes the encryption key used to encrypt the AOB, a content ID which is an identifier for identifying the SDMI protected content which corresponds to the AOB; [0048]).

19. (Currently Amended) **Regarding claim 13**, is essentially the same as claim 1 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

20. (Original) **Regarding claim 14**, is essentially the same as claim 2 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

21. (Original) **Regarding claim 15**, is essentially the same as claim 3 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

22. (Original) **Regarding claim 16**, is essentially the same as claim 4 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

23. (Original) **Regarding claim 17**, is essentially the same as claim 5 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

24. (Original) **Regarding claim 18**, is essentially the same as claim 6 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

25. (Original) **Regarding claim 19**, is essentially the same as claim 7 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

26. (Original) **Regarding claim 20**, is essentially the same as claim 8 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

27. (Original) **Regarding claim 21**, is essentially the same as claim 9 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

28. (Original) **Regarding claim 22**, is essentially the same as claim 10 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

29. (Original) **In considering, claim 23**, is essentially the same as claim 11 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

30. (Original) **Regarding claim 24**, is essentially the same as claim 12 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

31. (Original) **Regarding claim 25**, is essentially the same as claim 1 except that it sets forth the claimed invention as a computer-readable medium rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

32. **Regarding claim 26**, (Canceled).

Conclusion

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

34. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Truong V. Vo whose telephone number is (571) 272-1796. The Examiner can normally be reached on Mon.-Thr. 7:30a.m.-5p.m..

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Pierre Vital can be reached on (571) 272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 12, 2008

Truong Van Vo

/Truong V Vo/
Examiner, Art Unit 2169

/Pierre M. Vital/
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